

David R. Markham, CA Bar No. 071814

dmarkham@markham-law.com

Maggie Realin, CA Bar No. 263639

mrealin@markham-law.com

Lisa Brevard, CA Bar No. 323391

lbrevard@markham-law.com

THE MARKHAM LAW FIRM

888 Prospect Street, Suite 200

La Jolla, CA 92037

Tel.: 619.399.3995; Fax: 619.615.2067

Walter L. Haines (SBN 071075)

walter@uelglaw.com

UNITED EMPLOYEES LAW GROUP

5500 Bolsa Avenue, Suite 203

Huntington Beach, CA 92649

Tel.: 888.474.7242; Fax: 562.256.1006

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

OSCAR DIAZ, an individual, JACE
O'GUINN, an individual, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

UNITED PARCEL SERVICE, INC., an Ohio
Corporation,

Defendant.

Case No.: 1:22-cv-00246-CDB

**CLASS AND PAGA REPRESENTATIVE
ACTION**

**PLAINTIFFS' NOTICE OF MOTION FOR FINAL
ORDER AND JUDGMENT APPROVING CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: November 1, 2023

Time: 10:30 a.m.

Magistrate Judge: Hon. Christopher D.
Baker

Courtroom: 510 19th St., Suite 200

Complaint Filed: February 25, 2022

Trial Date: None

**TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE COUNSEL OF
RECORD:**

PLEASE TAKE NOTICE that on November 1, 2023, at 10:30 a.m., or as soon thereafter as the matter may be heard at the United States Courthouse, located at 510 19th Street, Bakersfield, California 93301, before the Honorable Christopher D. Baker, pursuant to Fed. R. Civ. P. 23(e) and (g), Plaintiffs Oscar Diaz and Jace O'Guinn, on their own behalf, and on behalf of the proposed Class, will move for final judgment and order approving the class and representative action settlement.

This Motion shall be based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the declarations of Plaintiffs and Plaintiffs' counsel submitted in support of Plaintiffs' motion for attorneys' fees and costs and Class Representatives' Service Awards, filed on August 14, 2023 (Dkt. No. 30), the additional declaration of David R. Markham and the supplemental declaration of the Settlement Administrator, the proposed order, and upon such further evidence, both documentary and oral, as may be presented at the hearing of this motion.

This Motion will be heard concurrently with Plaintiffs' motion for approval of attorneys' fees and costs and Plaintiffs' service awards, filed on August 14, 2023, and by these Motions, Plaintiffs will seek that the Court:

- (a) determine whether the proposed Settlement should be finally approved by the Court as fair, reasonable and adequate;
- (b) determine the reasonableness of Class Counsel's request for attorneys' fees and costs;
- (c) determine the reasonableness of the Class Representative Service Awards requested for the Class Representatives;
- (d) order entry of Judgment in the Class Action, which shall constitute a complete release and bar with respect to the Released Claims as described in paragraph 36 of the Settlement Agreement.

DATED: September 18, 2023

THE MARKHAM LAW FIRM

By: /s/ David R. Markham

David R. Markham
Maggie K. Realin
Lisa R. Brevard